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December 14, 2021

VIA ECF

Hon. Paul G. Gardephe, U.S.D.J.
United States District Court
Southern District of New York
40 Foley Square, Room 2204
New York, New York 10007

**Re: Everytown for Gun Safety Action Fund, Inc. v. Defcad, Inc., et al.
Civil Action No. 21-cv-8704 (PGG)**

Dear Judge Gardephe:

We represent Defendants Defcad, Inc., Odysee User xYeexySZN, Defcad User xYeezySZN, The Gatalog, Defcad User Freeman1337, Twitter User xYeezySZN, and Phillip Royster (“Defendants”) in the above-referenced matter.

We write regarding tomorrow’s hearing in this matter. It is our intention to move Michael Curley, Esq. of the Arizona and California bars, a partner in the law firm of Quarles & Brady in Tucson, Arizona, in *pro hac vice*. However, Mr. Curley is unable to obtain the required certificates of good standing in time for tomorrow’s hearing. He has requested them, and he expects that they are forthcoming.

Because the clerk does not allow the filing of a *pro hac vice* motion without having the certificates, Mr. Curley intends to make an oral motion tomorrow. I have attached for the Court’s convenience, the application Mr. Curley was originally intending to file had he been permitted to file a motion subject to providing the certificates at a later date. As the Court can see, Mr. Curley has provided screen printouts of the official state websites showing that he is in good standing. Mr. Curley will rely on the attached information for his oral application.

Nevertheless, should the Court choose not to grant Mr. Curley’s oral application, Defendants request that Mr. Curley at least be allowed to sit at counsel table to assist me during the hearing. Mr. Curley will not participate directly and does not intend to address the Court.

Thank you.

Respectfully submitted,

/s/ Daniel L. Schmutter
DANIEL L. SCHMUTTER

DLS/srs

cc: Marcella Ballard, Esq. (via ECF and email)
Meaghan Kent, Esq. (via ECF and email)